

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Ellis McDonald Green

Docket No. 5:08-CR-123-1FL

Petition for Action on Supervised Release

COMES NOW Linwood E. King, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Ellis McDonald Green, who, upon an earlier plea of guilty to Felon in Possession of a Firearm, was sentenced by the Honorable Louise W. Flanagan, U.S. District Judge, on January 8, 2009, to the custody of the Bureau of Prisons for a term of 141 months. On November 1, 2016, as a result of a 2255 Motion, his term of imprisonment was reduced to time served. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months.

Ellis McDonald Green was released from custody on November 1, 2016, at which time the term of supervised release commenced.

On November 15, 2016, the court was notified of the defendant testing positive for the use of cocaine. He was continued under supervision and exposed to substance abuse treatment.

On January 24, 2017, the court was notified of the defendant testing positive for the use of cocaine on two occasions. He was continued under supervision with the court adding the condition of 30 days of Electronic Monitoring.

On July 19, 2017, a Motion for Revocation was filed with the court after the defendant tested positive for the use of cocaine and failed to submit urinalysis tests as directed.

On November 3, 2017, the court revoked the defendant's term of supervision and sentenced him to 8 months imprisonment followed by 12 months of supervised release.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On July 24, 2018, Green submitted urinalysis test which again confirmed positive for the presence of cocaine. Green has been directed to participate in substance abuse treatment through Daymark Services, Henderson, North Carolina, in both group and individual counseling sessions. Furthermore, he was encouraged to consider in-patient treatment options in light of his continued struggles with cocaine. To address this continued non-compliant behavior, and in an effort to deter future illegal drug use, we are recommending that the defendant complete 30 days of curfew via electronic monitoring.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 30 consecutive days. The defendant is restricted to their residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer. The defendant must pay all of the cost of the program.

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Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

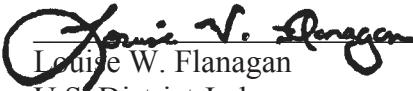
I declare under penalty of perjury that the foregoing is true and correct.

/s/Michael C. Brittain
Michael C. Brittain
Supervising U.S. Probation Officer

/s/Linwood E. King
Linwood E. King
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: 919-861-8682
Executed On: August 24, 2018

ORDER OF THE COURT

Considered and ordered this 28th day of August, 2018, and ordered filed and made a part of the records in the above case.


Louise W. Flanagan
U.S. District Judge